

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

SAMUEL BUCHANAN,

Plaintiff,

v.

OREGON DEPARTMENT OF
CORRECTIONS,

Defendant.

Case No. 3:23-cv-00813-SB

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendations in this case on July 14, 2023. Judge Beckerman recommended that this Court grant defendant's motion to dismiss and dismiss plaintiff's claim without leave to amend, but without prejudice to plaintiff's membership in the class action lawsuit, *Maney et al v. Brown et al.*, No. 6:20-cv-00570-SB. No party filed objections.

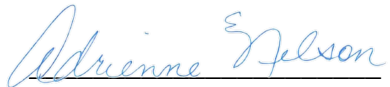
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Upon review, I agree with Judge Beckerman's recommendations, and, finding no evidence of clear error, I ADOPT the F&R, ECF [9], as my own opinion. Defendant's Motion to Dismiss for Failure

to State a Claim, ECF [6], is GRANTED and plaintiff's claims are dismissed without leave to amend but without prejudice to membership in the *Maney* class action lawsuit.

IT IS SO ORDERED.

DATED this 18th day of August, 2023.


Adrienne Nelson
United States District Judge